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7590

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EXAMINER

BARTUSKA, FRANCIS JOHN

ART UNIT

PAPER NUMBER

2167

DATE MAILED: 02/12/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/518627

Applicant(s)

P. R. FLETCHER et al

Examiner

F. J. BARTUSKA

Art Unit

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on MAR. 3, 2000
- 2a) ☐ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-24 AND 36-55 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration
- 5) ☒ Claim(s) 10, 16, 17, 21 AND 39-55 is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-15, 18-20, 22-24 & 36-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 4
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

Art Unit: 2167

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

2. Claims 1-9, 11-15, 18-20, 22-24 and 36-38 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Leibu. Leibu shows a coin mechanism controller 40 which receives change dispense signals including number and denomination of the coins and re-determines the number and denomination of the coins given as change.

3. The patent to Leibu cannot be overcome by an affidavit or declaration under 37 CFR 1.131 but only through interference proceedings. The applicant is advised that an affidavit under 37 CFR 1.608(b) or evidence *and* an explanation 37 CFR 1.608(b), as appropriate, must be submitted.

Art Unit: 2167

### *Interference*

4. Receipt is acknowledged of the Request for Interference including the Statement of Compliance with 37 CFR 1.607(a) and the Statement under 37 CFR 1.608(b). A interference has not been declared because the statements under 37 CFR 1.607(a) and 37 CFR 1.608(b) are directed to proposed counts that are not patentable and therefore it has not been established that the showing under 37 CFR 1.608(b) would *prima facie* entitle the applicant to a judgement relative to the patentee.

5. 37 CFR 1.601(f) requires that each count must be a separate patentable invention. MPEP 2305 states that the count must be patentable over the prior art.

Proposed count 1 is not patentable over British publication 2269258 which shows coin tubes 22, 24 and 26, a dispenser 28 for dispensing coins from the coin tubes and a processor 50 coupled to the dispenser and the automatic transaction system to receive change

Art Unit: 2167

dispense signals and accumulate a value corresponding to the received signals and to cause coins to be dispensed.

Proposed count 2 is not patentable over British publication 2269258 which shows a coin mechanism which is capable of connection to a three coin tube arrangement or a four coin tube arrangement. Fig. 1 and page 9, line 26 disclose a three coin tube arrangement and page 7, line 8 and page 14, lines 17 and 18 disclose a four tube arrangement.

The examiner does not see any reason why claim 15 or 19 of the Leibniz patent could not be the count. The examiner does not believe that there are two separate patentable inventions to support two counts. All of applicants' claims 1-9, 11-15, 18-20, 22-24 and 36-38 would be unpatentable over any claim of Leibniz that would be the count.

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to F. J. Bartuska whose telephone number is (703) 308-1111. The examiner can normally

Art Unit: 2167

be reached on Monday through Thursday from 6:30 AM to 4:00 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski, can be reached on (703) 308-5183. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

  
F. J. BARTUSKA  
PRIMARY EXAMINER 2/8/02